

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MALRY TARDD and OTTO WHITE,

Plaintiffs,
-against-

BROOKHAVEN NATIONAL LABORATORY,
et al.,

Defendants.

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ORDER
CV 04-3262 (ADS)(ARL)

LINDSAY, Magistrate Judge:

Before the court is the defendants' letter dated March 20, 2006, requesting that the court enter an order granting the defendants an additional four hours to depose the plaintiff Malry Tardd regarding his new allegations in the complaint. That request is denied.

Prior to submitting their motion, the defendants were required to confer with the plaintiffs in good faith in an effort to resolve the dispute. The court does not consider sending counsel for the plaintiffs a letter requesting the relief a good faith effort to resolve the dispute. The defendants must attempt to contact the plaintiffs' counsel, other than by letter, before making the motion. If motion practice is still necessary after the defendants have made a good faith effort to resolve the dispute, the defendants may then re-submit their motion pursuant to Local Rule 37.3(c).

Dated: Central Islip, New York
March 21, 2006

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge